

### **REMARKS**

With this Amendment, claims 1, 2, 6-11, and 13-17 are pending, with claims 1 and 11 being independent claims. The rejection of these claims under §103(a) over Yamada '157 in further view of Behm '742 set forth in the Final Office Action is maintained. Applicant respectfully submits that all of the pending claims patentably distinguish over the combination of Yamada '157 and Behm '742 as set forth below.

The independent claims as amended and presented herein are drawn more specifically to instant lottery game devices wherein each game card essentially represents a single play of an instant lottery game. The game apparatus of claim 1 calls for a hand-held electronic game device that includes a computer, a display connected to the computer, a game card interface, and at least one instant lottery game programmed in the computer. The game is played with a game card that represents a single lottery game play. The game card is adapted for connection with the interface, which permits the player to initiate play of the game. The game card comprises game information stored thereon that is required by the lottery game programmed in the computer to initiate and complete a single play of the lottery game. The display and outcome of the lottery game is presented to the player via the display and only after the game card is connected with the game card interface. The game information on the game card is contained in printed conductive elements. The outcome of the game is predetermined solely by the information on the game card and is not known by the player until the game is played on the electronic game device. The outcome of the game is not changed by any subsequent play of the game with the electronic game device.

The lottery game apparatus of independent claim 11, as amended herein, calls for play of a plurality of different types of lottery games by a plurality of users. The apparatus calls for a plurality of the hand-held electronic game devices, with each device including a computer, a display connected to the computer, a game card interface connected to the computer. Each of the devices includes a plurality of different types of lottery games programmed in the computer. Thus, each one of the devices is configured for playing any one of a number of different types of lottery games. The plurality of game cards is provided, wherein each of the cards is for play of a single one of the lottery games. Each of the cards includes data or information required by the electronic game device to initiate and complete a single play of a respective one of the lottery games. The display and outcome of the lottery game is presented to the user via the display and only after connecting the game card with the game card interface. The data on the game card is printed in the form of circuit elements on the cards in conductive ink. Each of the cards has a predetermined game outcome that is dictated solely by the data on the card and is not known to the user until displayed on the device, and is not changed by any subsequent play of the game with the electronic game device.

Applicant respectfully submits that the inventions set forth in independent claims 1 and 11 patentably distinguish over the combination of Yamada '157 and Behm '742. The obviousness rejection asserts that it would be obvious to incorporate the lottery game card used by Behm with the system of Yamada. Even if this combination were made, the result is still not in accordance with independent claims 1 and 11 as amended and presented herein.

Behm '742 describes various documents and substrates having a machine-readable characteristic, such as circuit elements printed with conductive ink. However, for each of the lottery card embodiments illustrated and described in Behm '742, the conductive elements are for purposes of verification or security upon subsequent presentation of a played lottery card. In other words, the lottery cards of Behm '742 are purchased by a player and played by removal of scratch-off material from game indicia. The printed circuit elements that underlie the scratch-off material and/or the game indicia are only relevant upon subsequent presentation of the ticket to a card reader 108 (Fig. 14). The circuit elements will verify the authenticity of the ticket and may tell whether or not the ticket is a winner. However, as far as the player is concerned, the lottery tickets are like other conventional scratch-off lottery tickets wherein the player purchases the ticket, removes the scratch-off material from the game indicia, and instantly learns whether or not the lottery ticket is a winner.

Thus, even if the lottery tickets of Behm '742 were combined with the apparatus of Yamada '157, the resulting combination is still not in accordance with independent claims 1 and 11. With the present claims, each lottery ticket represents a single play of a lottery game. This play cannot be initiated or completed until the player inserts or otherwise connects the lottery game card with the hand-held electronic device. The game card supplies the required information for the lottery game program in the hand-held device so that the device can initiate and complete play of the lottery game, and display the results to the player via the hand-held device.

Respectfully, there is no teaching, motivation, or other reasonable or logical reason for one skilled in the art, absent hindsight analysis, to completely reconfigure the

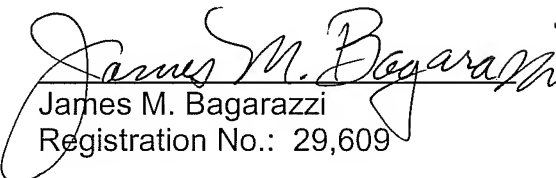
lottery ticket cards of Behm '742 in a manner that would satisfy the present independent claims. Behm '742 teaches to use printed circuit elements on a lottery ticket for verification and security purposes. For actual play of the game, Behm relies on the conventional scratch-off material configuration wherein the lottery player removes the material from game indicia and instantly determines whether the ticket is a winner. The present inventors have taken a fundamentally different approach to the concept of an instant lottery game, and have combined the benefits of an instant lottery game with the entertainment value and uniqueness of a hand-held electronic device. This system benefits the player, the retail establishments that sell the game cards, and the lottery authority. The present unique approach to electronically initiate and play individual instant lottery game tickets with a hand-held device patentably distinguishes over the proposed combination of references.

Accordingly, applicant respectfully submits that independent claim 1 is allowable. Claims 2 and 6 through 10 only further patentably define the invention of claim 1, and are allowable for at least the reasons claim 1 is allowable. Likewise, independent claim 11 is allowable and dependent claims 13 through 17 are allowable for at least the reasons claim 11 is allowable.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information. Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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